

Order

Michigan Supreme Court
Lansing, Michigan

December 13, 2019

Bridget M. McCormack,
Chief Justice

156789

David F. Viviano,
Chief Justice Pro Tem

LARRY SHEARS and MARGARET FRALICK,
Plaintiffs-Appellants,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 156789
COA: 329776
Genesee CC: 14-103476-CZ

DOUGLAS BINGAMAN, individually and as
CITY OF FLINT TREASURER, DARNELL
EARLEY, individually and as CITY OF FLINT
EMERGENCY MANAGER, and CITY OF
FLINT,

Defendants-Appellees.

By order of May 30, 2018, the application for leave to appeal the August 24, 2017 judgment of the Court of Appeals was held in abeyance pending the decision in *Genesee Co Drain Comm'r Jeffrey Wright v Genesee Co* (Docket No. 156579). On order of the Court, the case having been decided on July 18, 2019, 504 Mich 410 (2019), the application is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals' judgment holding that the plaintiffs' claims of unjust enrichment would be barred by governmental immunity. We REMAND this case to the Genesee Circuit Court for its consideration, in light of *Genesee Co Drain Comm'r*, of any motion plaintiffs may file seeking leave to amend the complaint to add their claims of unjust enrichment. In all other respects, leave to appeal is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

We do not retain jurisdiction.

CLEMENT, J., did not participate due to her prior involvement as chief legal counsel for the Governor.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 13, 2019

Clerk